

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of

Amendment of Section 73.202(b),)	MB Docket No. 05-273
Table of Allotments,)	RM-11273
FM Broadcast Stations.)	RM-11307
(Charleston, Englewood, Knoxville,)	
Nashville, and Tellico Plains, Tennessee))	

ORDER TO SHOW CAUSE

Adopted: February 28, 2007

Released: March 2, 2007

Comment Date: April 16, 2007

By the Assistant Chief, Audio Division; Media Bureau:

1. Before the Audio Division is a counterproposal filed in this proceeding by Georgia-Carolina Radiocasting Company, LLC (“GCR”).¹ GCR proposes the allotment of FM Channel 250A at Tellico Plains, Tennessee, as that community’s first local aural broadcast transmission service. To accommodate that allotment, GCR requests the reclassification of Station WJXB-FM, Channel 248C, Knoxville, Tennessee, to specify operation on Channel 248C0. Station WJXB-FM currently operates on Channel 248C with an ERP of 100 kilowatts at 395 meters HAAT. The station is below the minimum Class C antenna height requirements of 451 meters HAAT. Because Station WJXB-FM is operating below minimum Class C standards, it is subject to reclassification as a Class C0 facility.²

2. Section 316(a) of the Communications Act, as amended, permits the Commission to modify an authorization if such action is in the public interest. Further, pursuant to Section 316(a), we are required to notify the affected station of the proposed action, as well as the public interest reasons for the action, and to afford the licensee at least 30 days to respond. This procedure is set forth in Section 1.87 of the Commission’s Rules.³

¹ The counterproposal was submitted in response to the Notice of Proposed Rule Making, 20 FCC Rcd 15,240 (MB 2005), proposing the allotment of Channel 250A at Charleston, Tennessee, in response to a petition for rule making by Claire Giannasi. A second counterproposal was submitted by Englewood Wireless, proposing the allotment of Channel 250A as a first local service at Englewood, Tennessee. See Public Notice, Report No. 2749 (Jan. 18, 2006).

² See 1998 Biennial Regulatory Review—Streamlining of Radio Technical Rules in Parts 73 and 74 of the Commission’s Rules, Second Report and Order, 15 FCC Rcd 21,649 (2000) (“Second Report and Order”), and Section 1.420(g), n. 2, and Section 73.3573, n. 4, of the Commission’s Rules.

³ See *Modification of FM and Television Licenses Pursuant to Section 316 of the Communications Act*, Order, 2

3. The reclassification of a Class C FM station to a Class C0 station may be initiated through the filing of a petition for rule making to amend the FM Table of Allotments.⁴ A petitioner proposing both amendment of the FM Table of Allotments and reclassification of a Class C FM station must certify that no alternative channel is available for the proposed service.⁵ GCR has provided the requisite certification.

4. A Class C0 reclassification of Station WJXB-FM at Knoxville, Tennessee, would accommodate GCR's request to allot Channel 250A to Tellico Plains, Tennessee, as that community's first local service. GCR's request for reclassification therefore has sufficient public interest benefit to warrant the issuance of an order to show cause. Accordingly, we shall issue this *Order to Show Cause* directed to South Central Communications Corporation ("South Central"), licensee of Station WJXB-FM, Knoxville, Tennessee. South Central is required to show cause why its authorization should not be modified to specify operation on Channel 248C0 in lieu of Channel 248C at Knoxville, Tennessee.

5. The license for Station WJXB-FM, Channel 248C, Knoxville, Tennessee, can be modified to Channel 248C0 at its current authorized transmitter site, located at coordinates 36-00-36 NL and 83-55-57 WL. Pursuant to Section 1.87 of the Commission's Rules, South Central may not later than April 16, 2007, file a written statement showing with particularity why its license should not be modified as proposed in this *Order to Show Cause*. The Commission may call on South Central to furnish additional information. If South Central raises a substantial and material question of fact, a hearing may be required to resolve such a question pursuant to Section 1.87. Upon review of the statements and/or additional information furnished, the Commission may grant the modifications, deny the modifications, or set the matter of modifications for hearing. If no written statement is filed by the date referenced above, South Central will be deemed to have consented to the modification as proposed in this *Order to Show Cause* and a final *Order* will be issued by the Commission, if the channel modification is found to be in the public interest.

6. If South Central chooses to seek authority to modify its license to increase antenna height to at least 451 meters HAAT, it must express its intention to file the necessary application by the comment date specified in this *Order*. It also must file an acceptable application for a construction permit for Station WJXB-FM with the Commission within 180 days subsequent to the show cause comment due date. Upon the filing of an acceptable construction permit application, the proposal to allot Channel 250A at Tellico Plains, Tennessee, will be dismissed. The present three-year construction period will be applicable if a construction permit is obtained by South Central for Channel 248C as specified herein, under this procedure. If the construction is not completed as authorized, Station WJXB-FM is subject to automatic reclassification as a Class C0 station, and, in that event, a new petition for rule making to allot Channel 250A at Tellico Plains, Tennessee, may be refiled.

FCC Rcd 3327 (1987).

⁴ *Second Report and Order*, *supra*, and 47 C.F.R. § 1.420, n. 2.

⁵ See 47 C.F.R. §§ 73.3573, n. 4 and 1.420(g), n.2. See also *Second Report and Order*, 15 FCC Rcd at 21,662, ¶ 26.

7. IT IS THEREFORE ORDERED, That South Central Communications Corporation show cause why its authorization for station WJXB-FM should not be modified to specify operation on Channel 248C0 in lieu of Channel 248C at Knoxville, Tennessee, and

8. IT IS FURTHER ORDERED, That the Commission's Consumer and Governmental Affairs Bureau, Reference Information Center, SHALL Send a copy of this *Order to Show Cause* by Certified Mail, Return Receipt Requested, to South Central Communications Corporation, licensee of WJXB-FM, Knoxville, Tennessee, and its counsel, as indicated below:

John D. Engelbrecht, President
South Central Communications Corporation
Post Office Box 3848
Evansville, Indiana 47736

Edward S. O'Neill, Esq.
Fletcher, Heald, & Hildreth, P.L.C.
1300 N. 17th Street – Eleventh Floor
Arlington, Virginia 22209
(Counsel for South Central Communications Corporation)

9. Any protest to this proposed reclassification may be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). Protests should be filed with the Federal Communications Commission, Office of the Secretary, 445 Twelfth Street, SW, TW-A325, Washington, D.C. 20554. Additionally, a copy of any filing should be served on:

Dan J. Alpert, Esq.
The Office of Dan J. Alpert
2120 N. 21st Road
Arlington, Virginia 22201
(Counsel for counterproponent, Georgia-Carolina Radiocasting Company, LLC)

Kris R. Kendrick, Esq.
Post Office Box 82032
Athens, Georgia 30608-2032
(Counsel for petitioner, Claire Giannasi Kurtz)

10. The Commission's contractor, Natek, Inc., will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Pennsylvania Avenue, N.E., Suite 110, Washington, D.C. 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail or Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, SW, Washington, D.C. 20554. **All filings**

must be addressed to the Office of the Secretary, Federal Communications Commission. Any filing that is not addressed to the Office of the Secretary will be treated as filed on the day it is received in the Office of the Secretary. *See* 47 C.F.R. § 1.7. Accordingly, failure to follow the specified requirements may result in the treatment of a filing as untimely.

11. For further information concerning this proceeding, contact Deborah A. Dupont, Media Bureau, at (202) 418-7072.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos
Assistant Chief
Audio Division
Media Bureau